

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT;
WESTSIDE UNION SCHOOL DISTRICT.

OAH CASE NO. 2013080208

ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DEEMING THIRD AMENDED
COMPLAINT FILED

On August 6, 2013 Parent on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request¹ naming the Lancaster School District (LSD) and the Westside Union School District (Westside) as respondents. On August 23, 2013, Student requested leave to file an amended complaint and OAH granted Student's request, deeming the first amended complaint filed on August 30, 2013. On September 9, 2013, Westside filed a Notice of Insufficiency (NOI) as to Student's first amended complaint. OAH partially granted the NOI with leave to amend. Student filed a second amended complaint on September 11, 2013. Student filed a dismissal of "Problem 2" as to Westside on September 16, 2013, which was followed by an order granting Westside's motion to dismiss Problem 2 on September 17, 2013.

Student filed a motion for leave to file a third amended complaint on December 24, 2013. OAH did not receive any opposition from LSD or Westside. The third amended complaint includes the same Problem 2 as previous complaints, and adds a fourth problem pertaining to facts arising in December 2013. Student acknowledged in the proposed third amended complaint that Problem 2 was included for informational purposes, only, and that Student was not intending to pursue it as a claim at hearing.

The hearing in this matter is set for January 21, 2013.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C.

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

§1415(c)(2)(E)(i.)² The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The third amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: December 30, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings

² All statutory citations are to Title 20 United States Code unless otherwise indicated.